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No. 07-749

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SUPREME COURT, U.S.

IN THE

Supreme Court of the United States

CHARLES W. WALKER, SR.,
Petitioner,

–against–

UNITED STATES OF AMERICA,
Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR REHEARING FROM DENIAL OF CERTIORARI

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Pursuant to Rule 44.2, the Petitioner, former Georgia State Senator Charles W. Walker, Sr., respectfully petitions this Court for rehearing of the denial of his Petition for Certiorari. The Petition was denied on March 17, 2008.

Senator Walker's Petition for a Writ of Certiorari presented six questions for review, the first of which was whether, in the context of a reverse challenge pursuant to Batson v. Kentucky, 476 U.S. 79 (1986), where an appellate court determines that defense counsel's reasons for the exercise of peremptory challenges are race-neutral, reasonable and not pretextual, the appeals court *must* defer to the district court's credibility decision on whether the reasons extended by defense counsel are "genuine." Alternatively, Walker had requested that his Petition be held until this Court decided Snyder.

Petitions for rehearing of an order denying certiorari are generally granted in two instances, one of which is where a petitioner can demonstrate "intervening circumstances of a substantial or controlling effect." R.44.2.

Here, two days after the order denying Walker's Petition for Certiorari, on March 19, 2008, this Court issued its decision in Snyder v. Louisiana, 128 S.Ct. 1203 (2008), where it confirmed that an appellate court has discretion over whether or not to credit the district court's determinations on credibility in a Batson challenge. That is, the appellate court *may* – not *must* – defer to the district court's credibility decisions.

In light of the decision in Snyder, the Petitioner respectfully requests that the Court reconsider his Petition and/or remand the case to the Eleventh Circuit for reconsideration in light of in light of Snyder.

CONCLUSION

The Court should grant this Petition for Rehearing from the denial of a Writ of Certiorari, and grant the Petition or remand the matter to the Eleventh Circuit for reconsideration in light of Snyder v. Louisiana, 128 S.Ct. 1203 (2008).

Respectfully,

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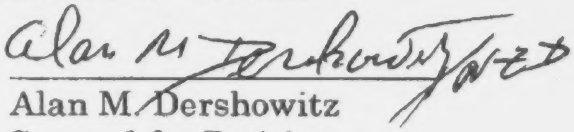
Dated: April 8, 2008

CERTIFICATE OF COUNSEL

As counsel for Petitioner, I hereby certify that this Petition for Rehearing is presented in good faith and not for purposes of delay and is limited to intervening circumstances, namely, the Court's decision in Snyder v. Louisiana, 128 S.Ct. 1203 (2008), immediately after the denial of the Petition.



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